

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: SIGFRIDO L. GONZALEZ	:	Chapter 13
& NILDA M. GONZALEZ	:	Case No. 16-16349
	:	
SIGFRIDO L. GONZALEZ &	:	
NILDA M. GONZALEZ,	:	
	:	
Plaintiffs	:	
	:	
v.	:	
JONESTOWN BANK AND TRUST COMPANY	:	Adversary No.
and	:	
FREDERICK L. REIGLE, TRUSTEE,	:	
	:	
Defendants	:	

**COMPLAINT OBJECTING TO PROOF OF CLAIM NO. 1 AND SEEKING TO
DETERMINE THE EXTENT AND VALIDITY OF
SECURED STATUS OF CREDITOR UNDER 11 U.S.C. §§ 502, 506**

1. This is an action brought under those provisions of the Bankruptcy Code, 11 U.S.C. §§ 502(b) and 506(a)(d) and B.R. 3007, objecting to the secured Proof of Claim of Jonestown Bank and Trust Company and allowing the Plaintiffs to determine the extent and validity of a certain lien against the Plaintiffs' 2007 Toyota Rav 4 (Vehicle).

2. Jurisdiction of this court is invoked pursuant to 28 U.S.C. § 1334 and this is a core proceeding under 28 U.S.C. § 157(b)(2)(B), (K) and (O).

3. The Plaintiffs in this matter are Sigfrido L. Gonzalez and Nilda M. Gonzalez, who currently reside at 1774 Little Mountain Rd., Bethel, PA 19507. They are the Debtors in this Chapter 13 bankruptcy case.

4. Defendant, Jonestown Bank and Trust Company, per its Proof of Claim, has a mailing address of 1725 Route 72 North, Lebanon, PA 17046.

5. Defendant, Frederick L. Reigle, is the Standing Chapter 13 Trustee, who has a mailing address of P.O. Box 4010, Reading, PA 19606.

6. Jonestown Bank and Trust Company has a lien against the Vehicle and has filed a Proof of Claim asserting a secured claim in the amount of \$7,825.06 on said lien.

7. The vehicle loan with Jonestown Bank and Trust Company is subject to modification based on the value of the Vehicle pursuant to 11 USC 506(a)(1).

8. Plaintiffs believes and therefore aver that the Vehicle has a fair market value of \$3,775.00 such that the secured claim of Jonestown Bank and Trust Company should be reduced to \$3,775.00 with the balance being a general unsecured claim.

9. Based on the value of the Vehicle, the total to be paid to Jonestown Bank and Trust Company under the Debtor's Chapter 13 plan on account of its secured claim, including interest is \$4,300.00

WHEREFORE, Debtors hereby respectfully request this Honorable Court to enter its Order, as follows:

- a. sustain Plaintiffs' objection to Jonestown Bank and Trust Company's Proof of Claim No. 1;
- b. find that Jonestown Bank and Trust Company has an allowed secured claim in the total amount of \$3,500.00 and a general unsecured claim for the balance; and
- c. require that Jonestown Bank and Trust Company release and satisfy its lien against the Plaintiffs' Vehicle upon payment of its allowed claim.

CASE & DIGIAMBERARDINO, P.C.

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